

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

PEGASYSTEMS INC.,

Plaintiff/Counterclaim Defendant,

v.

APPIAN CORPORATION,

Defendant/Counterclaim Plaintiff,

and

BUSINESS PROCESS MANAGEMENT, INC.,

Defendant.

Case No. 19-cv-11461-PBS-MPK

**DECLARATION OF ADEEL A. MANGI IN SUPPORT OF APPIAN CORPORATION'S
MOTION FOR SUMMARY JUDGMENT**

I, Adeel A. Mangi, declare as follows:

1. I am a member in good standing of the bar of the State of New York and am admitted in this action *pro hac vice*. I am a member of Patterson Belknap Webb & Tyler LLP, counsel for Defendant/Counterclaim Plaintiff Appian Corporation ("Appian") in this action. I submit this declaration in support of Appian's Motion for Summary Judgment. I have personal knowledge of the facts set forth herein.

2. Attached hereto as **Exhibit 1** is a true and correct copy of Pegasystems Inc.'s Form 10-K filed with the United States Securities and Exchange Commission for the fiscal year ended December 31, 2020.

3. Attached hereto as **Exhibit 2** is a true and correct copy of excerpts from the transcript of the December 17, 2021 deposition of Donald Maier Schuerman, as a designee on behalf of Pegasystems, taken pursuant to Fed. R. Civ. P. 30(b)(6) in this case.

4. Attached hereto as **Exhibit 3** is a true and correct copy of the Rebuttal Expert Report of Rebecca Kirk Fair in this case dated March 4, 2022.

5. Attached hereto as **Exhibit 4** is a true and correct copy of excerpts from the transcript of the March 30, 2022 deposition of Keri Pearlson in this case.

6. Attached hereto as **Exhibit 5** is a true and correct copy of excerpts from the transcript of the April 30, 2021 deposition of Malcolm Ross in this case.

7. Attached hereto as **Exhibit 6** is a true and correct copy of excerpts from the transcript of the June 15, 2021 deposition of Leon Trefler in this case.

8. Attached hereto as **Exhibit 7** is a true and correct copy of excerpts from the transcript of the April 27, 2021 deposition of Arturo Oliver in this case.

9. Attached hereto as **Exhibit 8** is a true and correct copy of excerpts from the transcript of the December 14, 2021 deposition of Trenton Buff in this case.

10. Attached hereto as **Exhibit 9** is a true and correct copy of the document bearing beginning Bates stamp number APPN00127660 produced by Appian in this case.

11. Attached hereto as **Exhibit 10** is a true and correct copy of the Brian S. Sommer Expert Report in this case dated March 4, 2022.

12. Attached hereto as **Exhibit 11** is a true and correct copy of the Rebuttal Expert Report of Dr. Keri Pearlson in this case dated March 4, 2022.

13. Attached hereto as **Exhibit 12** is a true and correct copy of the Declaration of Malcolm Ross in Opposition to Pegasystems' Motion for Preliminary Injunction (ECF 67) dated December 16, 2019.

14. Attached hereto as **Exhibit 13** is a true and correct copy of the document published by BPM.com in 2019 with the title "Market Report: Analysis of Process Automation Investments and Total Cost of Ownership (TCO) – Appian, IBM, and Pega" (ECF 55-1).

15. Attached hereto as **Exhibit 14** is a true and correct copy of Appian's First Amended Response to Pegasystems' Fourth Set of Interrogatories dated December 8, 2021.

16. Attached hereto as **Exhibit 15** is a true and correct copy of Appian's Response to Plaintiff Pegasystems' First Set of Interrogatories dated February 7, 2020.

17. Attached hereto as **Exhibit 16** is a true and correct copy of excerpts from the transcript of the December 6, 2021 deposition of Nathaniel Palmer, as a designee on behalf of BPM.com, taken pursuant to Fed. R. Civ. P. 30(b)(6) in this case.

18. Attached hereto as **Exhibit 17** is a true and correct copy of Defendant, Business Process Management, Inc.'s Responses and Objections to Pegasystems' Fourth Set of Interrogatories to Defendants dated October 25, 2021.

19. Attached hereto as **Exhibit 18** is a true and correct copy of the May 13, 2020 letter from August Horvath, counsel for Pegasystems, to Terra Hittson, counsel for Appian.

20. Attached hereto as **Exhibit 19** is a true and correct copy of excerpts from the transcript of the July 21, 2020 hearing in this case.

21. Attached hereto as **Exhibit 20** is a true and correct copy of excerpts from the transcript of the October 1, 2020 hearing in this case.

22. Attached hereto as **Exhibit 21** is a true and correct copy of the October 22, 2020 letter from August Horvath, counsel for Pegasystems, to Adeel Mangi, counsel for Appian.

23. Attached hereto as **Exhibit 22** is a true and correct copy of the December 2, 2020 letter from Michael Sochynsky, counsel for Appian, to Nicole Kinsley, counsel for Pegasystems.

24. Attached hereto as **Exhibit 23** is a true and correct copy of the December 8, 2020 letter from Nicole Kinsley, counsel for Pegasystems, to Michael Sochynsky, counsel for Appian.

25. Attached hereto as **Exhibit 24** is a true and correct copy of the August 21, 2020 Stipulation of Pegasystems in this case.

26. Attached hereto as **Exhibit 25** is a true and correct copy of excerpts from the transcript of the January 29, 2021 hearing in this case.

27. Attached hereto as **Exhibit 26** is a true and correct copy of Appian's Second Amended Notice of Deposition Pursuant to Rule 30(b)(6) of Pegasystems, Inc. dated November 18, 2021.

28. Attached hereto as **Exhibit 27** is a true and correct copy of Pegasystems' Second Amended Initial Disclosures dated November 9, 2021.

29. Attached hereto as **Exhibit 28** is a true and correct copy of excerpts from the transcript of the November 23, 2021 deposition of Patrick Dwyer in this case.

30. Attached hereto as **Exhibit 29** is a true and correct copy of Exhibit 1 from the November 23, 2021 deposition of Patrick Dwyer in this case.

31. Attached hereto as **Exhibit 30** is a true and correct copy of Exhibit 1 from the June 15, 2021 deposition of Leon Trefler in this case.

32. Attached hereto as **Exhibit 31** is a true and correct copy of the July 7, 2021 letter from Nicole Kinsley, counsel for Pegasystems, to Michael Sochynsky, counsel for Appian.

33. Attached hereto as **Exhibit 32** is a true and correct copy of the document bearing beginning Bates stamp number PEGA00071376 produced by Pegasystems in this case.

34. Attached hereto as **Exhibit 33** is a true and correct copy of the document bearing beginning Bates stamp number PEGA00071305 produced by Pegasystems in this case.

35. Attached hereto as **Exhibit 34** is a true and correct copy of the document bearing beginning Bates stamp number PEGA00071210 produced by Pegasystems in this case.

36. Attached hereto as **Exhibit 35** is a true and correct copy of the document bearing beginning Bates stamp number PEGA00071174 produced by Pegasystems in this case.

37. Attached hereto as **Exhibit 36** is a true and correct copy of the June 22, 2021 letter from Michael Sochynsky, counsel for Appian, to August Horvath and Nicole Kinsley, counsel for Pegasystems.

38. Attached hereto as **Exhibit 37** is a true and correct copy of the July 12, 2021 letter from Neil Austin, counsel for Pegasystems, to Michael Sochynsky, counsel for Appian.

39. Attached hereto as **Exhibit 38** is a true and correct copy of the July 19, 2021 letter from Michael Sochynsky, counsel for Appian, to Neil Austin, counsel for Pegasystems.

40. Attached hereto as **Exhibit 39** is a true and correct copy of excerpts from the transcript of the May 12, 2021 deposition of Robert R. Spencer in this case.

41. Attached hereto as **Exhibit 40** is a true and correct copy of excerpts from the transcript of the December 1, 2021 deposition of Mark Ryan in this case.

42. Attached hereto as **Exhibit 41** is a true and correct copy of the June 3, 2021 letter from Nicole Kinsley, counsel for Pegasystems, to Michael Sochynsky, counsel for Appian.

43. Attached hereto as **Exhibit 42** is a true and correct copy of the document bearing beginning Bates stamp number APPN00006685 produced by Appian in this case.

44. Attached hereto as **Exhibit 43** is a true and correct copy of the document bearing beginning Bates stamp number APPN00007285 produced by Appian in this case.

45. Attached hereto as **Exhibit 44** is a true and correct copy of excerpts from the transcript of the March 29, 2022 deposition of Rebecca Kirk Fair in this case.

46. Attached hereto as **Exhibit 45** is a true and correct copy of the Expert Report of Rebecca Kirk Fair in this case dated February 4, 2022.

47. Attached hereto as **Exhibit 46** is a true and correct copy of excerpts from the transcript of the December 16, 2021 deposition of Tom Bachman, as a designee on behalf of Pegasystems, taken pursuant to Fed. R. Civ. P. 30(b)(6) in this case.

48. Attached hereto as **Exhibit 47** is a true and correct copy of the document bearing beginning Bates stamp number APPN00000824 produced by Appian in this case.

49. Attached hereto as **Exhibit 48** is a true and correct copy of the document bearing beginning Bates stamp number APPN00022544 produced by Appian in this case.

50. Attached hereto as **Exhibit 49** is a true and correct copy of the document bearing beginning Bates stamp number APPN00011177 produced by Appian in this case.

51. Attached hereto as **Exhibit 50** is a true and correct copy of the document bearing beginning Bates stamp number APPN00010584 produced by Appian in this case.

52. Attached hereto as **Exhibit 51** is a true and correct copy of the document bearing beginning Bates stamp number APPN00010581 produced by Appian in this case.

53. Attached hereto as **Exhibit 52** is a true and correct copy of the document bearing beginning Bates stamp number APPN00022531 produced by Appian in this case.

54. Attached hereto as **Exhibit 53** is a true and correct copy of the document bearing beginning Bates stamp number APPN00022511 produced by Appian in this case.

55. Attached hereto as **Exhibit 54** is a true and correct copy of the document bearing beginning Bates stamp number APPN00008432 produced by Appian in this case.

56. Attached hereto as **Exhibit 55** is a true and correct copy of the Expert Report of Dr. Keri Pearlson in this case dated February 4, 2022.

57. Attached hereto as **Exhibit 56** is a true and correct copy of Pegasystems' Responses and Objections to Appian's First set of Interrogatories dated March 6, 2020.

58. Attached hereto as **Exhibit 57** is a true and correct copy of the document bearing beginning Bates stamp number PEGA00000043 produced by Pegasystems in this case.

59. Attached hereto as **Exhibit 58** is a true and correct copy of the document bearing beginning Bates stamp number PEGA00000041 produced by Pegasystems in this case.

60. Attached hereto as **Exhibit 59** is a true and correct copy of the document bearing beginning Bates stamp number PEGA00000045 produced by Pegasystems in this case.

61. Attached hereto as **Exhibit 60** is a true and correct copy of the document bearing beginning Bates stamp number PEGA00083709 produced by Pegasystems in this case.

62. Attached hereto as **Exhibit 61** is a true and correct copy of the document bearing beginning Bates stamp number PEGA00083227 produced by Pegasystems in this case.

63. Attached hereto as **Exhibit 62** is a true and correct copy of the document bearing beginning Bates stamp number PEGA00071222 produced by Pegasystems in this case.

64. Attached hereto as **Exhibit 63** is a true and correct copy of the document bearing beginning Bates stamp number PEGA00071078 produced by Pegasystems in this case.

65. Attached hereto as **Exhibit 64** is a true and correct copy of the document bearing beginning Bates stamp number PEGA00071087 produced by Pegasystems in this case.

66. Attached hereto as **Exhibit 65** is a true and correct copy of the document bearing beginning Bates stamp number PEGA00071029 produced by Pegasystems in this case.

67. Attached hereto as **Exhibit 66** is a true and correct copy of the document bearing beginning Bates stamp number APPN00020283 produced by Appian in this case.

68. Attached hereto as **Exhibit 67** is a true and correct copy of the document bearing beginning Bates stamp number APPN00021409 produced by Appian in this case.

69. Attached hereto as **Exhibit 68** is a true and correct copy of the document bearing beginning Bates stamp number PEGA00083288 produced by Pegasystems in this case.

70. Attached hereto as **Exhibit 69** is a true and correct copy of the document bearing beginning Bates stamp number PEGA00092161 produced by Pegasystems in this case.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

Dated: New York, New York
April 15, 2022

/s/ Adeel A. Mangi
Adeel A. Mangi

CERTIFICATE OF SERVICE

I, Adeel A. Mangi, hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF).

/s/ Adeel A. Mangi

Adeel A. Mangi